IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Criminal Appeal No.506 of 2000

Date of decision : August 29, 2007

State of H.P. **...Appellant.**

Versus

Parveen Kumar **…Respondent.**

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The Hon'ble Mr. Justice Surjit Singh, Judge.

Whether approved for reporting?

For the Appellant : Mr. Som Dutt Vasudeva, Additional Advocate General with Mr. D.S. Nainta, Deputy Advocate General.

For the Respondent : Mr. Subhash Sharma, Advocate.

Surjit Singh, Judge(Oral)

Respondent was sent up for trial for driving truck No.HR-38-4895 in a rash or negligent manner endangering human life or personal safety of others and while so driving causing an accident resulting in injuries to himself and two young boys and the death of another young boy, who were travelling with him by that truck.

2. Trial Court has acquitted the respondent holding that there is no specific and definite evidence to prove that the accident had taken place due to rash or negligent driving of the truck by the respondent.

3. I have heard the learned Additional Advocate General and gone through the record.

4. Prosecution examined one of the two injured boys, namely PW-7 Nauja. The witness stated that the truck was being driven at a very fast speed. When asked how he judged that the truck was being driven at a fast speed, he stated because the engine was making a

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Whether reporters of the local papers may be allowed to see the judgment?

loud sound. The witness was just 13 years of age when he entered the witness box. He admitted in the cross-examination that at the site of the accident a *Danga* had sagged. Investigating Officer, namely PW-9 Chaman Lal, admitted that the accident took place because of the sagging of the *Danga*. Now, if the sagging of the *Danga* was the cause of the accident, no fault can be found with the judgment of acquittal passed by the trial Court holding that the cause of the accident was not proved to be rash or negligent driving of the truck by the respondent. Hence, the appeal is dismissed.

August 29, 2007(sd) **(Surjit Singh), J**